

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

In the matter of: :
: Case Number 10-54071-JDW
PAUL B. TUCKER II, :
: Chapter 13
Debtor. :

NOTICE OF MOTION

NOTICE IS HEREBY GIVEN PURSUANT TO M.D. Ga. LBR 9004-1 AND 9007-1 THAT THE ABOVE NAMED DEBTOR HAS FILED PAPERS WITH THE COURT TO MODIFY HIS CHAPTER 13 PLAN PRIOR TO CONFIRMATION.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO ALLOW THE DEBTOR TO MODIFY HIS CHAPTER 13 PLAN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN OBJECTION TO THE PROPOSED MODIFICATION AND A REQUEST FOR A HEARING AT LEAST **SEVEN (7) DAYS** PRIOR TO THE CONFIRMATION HEARING HELD IN THIS CASE. THE CONFIRMATION HEARING IN THIS CASE WILL BE HELD IN **COURTROOM B, UNITED STATES BANKRUPTCY COURT, 433 CHERRY STREET, MACON, GEORGIA, 31201 AT 1:30 P.M. ON FEBRUARY 7, 2011.**

IF YOU MAIL YOUR REQUEST TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THAT THE COURT WILL **RECEIVE** IT ON OR BEFORE THE DATE STATED ABOVE.

ANY REQUEST FOR A HEARING MUST ALSO BE MAILED TO THE DEBTOR AND DEBTOR'S COUNSEL AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE DEBTOR'S MOTION AND MAY GRANT THE DEBTOR'S REQUEST TO MODIFY HIS CHAPTER 13 PLAN.

This 18th day of January, 2011.

William E. Tanner
Clerk, U.S. Bankruptcy Court
P.O. Box 1957
Macon, Georgia 31202
(478) 752-3506

Calvin L. Jackson
Attorney for Debtor
P.O. Box 7221
Warner Robins, Georgia 31095
(478) 923-9611

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MOTION TO MODIFY PLAN PRIOR TO CONFIRMATION

COMES NOW PAUL B. TUCKER II, debtor in the above-styled action, pursuant to 11 U.S.C. Section 1323, and files this his Motion to Modify Plan Prior to Confirmation, respectfully showing the Court the following:

1.

The debtor filed a petition for relief in this Court under Chapter 13 of the U.S. Bankruptcy Code on December 4, 2010. Said case is currently pending before the Court and awaiting confirmation of the debtor's plan

2.

The debtor has fallen behind on payments to State Home Mortgage, the holder of the mortgage against the debtor's residence. The debtor files this Plan modification to cure said mortgage arrearage and to provide that future payments to State Home Mortgage shall resume directly, and outside of the Plan, with the February 2011 installment.

3.

The debtor hereby withdraws the plan he initially filed with the Court and substitutes a new plan, modified from the original plan as set forth herein. After notice and opportunity to object, the debtor's plan as modified should become his plan.

WHEREFORE, the debtor prays that his Chapter 13 plan be modified as proposed.

This 18th day of January, 2011.

/s/ Calvin L. Jackson

Calvin L. Jackson
GA. State Bar Number 386072
Attorney for Debtor
P.O. Box 7221
Warner Robins, Georgia 31095
(478) 923-9611

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

In re: PAUL B. TUCKER, II, :
Debtor : Chapter 13
SSN: XXX-XX-2549 : Case No. 10-54071-JDW

CHAPTER 13 PLAN

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee and the debtor(s) (or the debtor's(s') employer) shall pay to the trustee the sum of \$ 250.00 monthly.

2. From the payments so received, the trustee shall make disbursements as follows:

(a) The trustee percentage fee as set by the United States Trustee.

(b) The monthly payments will be made on the following long-term debts: (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim.)

NAME OF CREDITOR	MONTH OF FIRST PAYMENT UNDER PLAN	MONTHLY PAYMENT AMOUNT
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NONE

(c) Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

NAME OF CREDITOR	ADEQUATE PROTECTION AMOUNT
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NONE

(d) After confirmation of the plan, the secured creditors with allowed claims will be paid as follows:

<u>CREDITOR</u>	<u>DEBT</u>	<u>VALUE</u>	<u>INTEREST</u>	<u>COLLATERAL</u>	<u>PAYMENT</u>
Nuvell	7100.00	8525.00	3.25	'06 Chev Col	220.00/mo.

(e) Attorney fees ordered pursuant to 11 U.S.C. Section 507(a)(2) of \$2,500.00 to be paid as follows:
Paid pursuant to administrative order.

(f) After the above are paid, distributions will be made to cure arrearages and other secured debts whose claims are duly proven and allowed as follows:

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
State Hm Mtg	978.00	Debt	3.25	Residence	pro-rata

(g) The following collateral is surrendered to the creditor:

NAME OF CREDITOR	DESCRIPTION OF COLLATERAL
NONE	

(h) The following domestic support obligations will be paid over the life of the plan as follows: N/A

NAME OF CREDITOR	PAYMENT AMOUNT
NONE	

(i) The following unsecured claims are classified to be paid at 100%: NONE.

(j) All other 11 U.S.C. Section 507 priority claims, unless already listed under 2(g), will be paid in full over the life of the plan as funds become available in the order specified by law.

(k) The debtor(s) will be the disbursing agent on the following debts: State Home Mortgage resuming with the February 2011 installment.

(l) Special provisions: The title to the debtor's automobile(s) shall be released to the debtor upon completion of the plan with all liens thereon cancelled. Upon discharge, all non-purchase money, non-possessory liens and/or judicial/statutory/consensual liens in, on, or against any and all property of the bankruptcy estate held by the following listed creditors shall be avoided pursuant to 11 U.S.C. Section 522(f), and upon notice of discharge the creditors shall cancel said liens of record within fifteen (15) days of such notice: NONE.

(m) General unsecured creditors whose claims are duly proven and allowed will be paid: 0%.

Dated: January 18, 2011.

/s/ PAUL B. TUCKER, II

PAUL B. TUCKER, II

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CERTIFICATE OF SERVICE

I, Calvin L. Jackson, hereby certify that I am over the age of 18 years and that on January 18, 2011 I served a copy of the within and foregoing Notice, Motion to Modify Plan Prior to Confirmation and revised Chapter 13 plan on Camille Hope, Chapter 13 Trustee, by electronic notice to docomt@chapter13macon.com. I further certify that on this day I served the said attached documents on State Home Mortgage, P.O. Box 133079, Atlanta, GA 30333-3079, by depositing a copy of the same in the United States Mail with sufficient postage attached thereto to assure delivery to it at the address following its name.

/s/ Calvin L. Jackson
Calvin L. Jackson
GA. State Bar Number 386072
Attorney for Debtor
P.O. Box 7221
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